THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.13592 OF 1997

DATED: 10-04-2007

Between:

G. Deenadayal Reddy

.. Petitioner

and

Director of Intermediate Education,
Government of Andhra Pradesh,
Hyderabad.

.. Respondent

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.13592 OF 1997

ORDER:

This writ petition is filed seeking a mandamus declaring that the petitioner is entitled to be supplied with a copy of the audit report dated 29.07.1993, which formed the basis for issuance of notice, dated 30.12.1993, in RC.No.1173/JC9-2/92 and notice, dated 30.04.1997, in Rc.No.1173/JC9-1/92, to the petitioner and further declaring the non supply of the copy of the audit report by the respondent, as arbitrary, illegal and violative of Sections 48 and 49 of the A.P. Education Act; and consequently to direct that no action can be taken against the petitioner basing on the said audit report dated 29.07.1993.

It appears, the petitioner is a member of the Society, by name, Noble Educational Society (for short 'the Society') situated at Dilsukhnagar, Hyderabad. The Government of Andhra Pradesh has permitted the Society to start a Junior College in the name and style of Noble Junior College in the year 1982. Though, initially, the college was started as an unaided institution, thereafter, it was admitted to grant-in-aid with effect from 01.04.1991. The petitioner was the Secretary and Correspondent of the said college during the year 1993. While so, during the audit conducted by the Special Audit Party of the Directorate of Intermediate Education in February 1993, it was found that accounts were not properly maintained by the management of the college. Under those circumstances, an enquiry was launched

against the college management by the respondent. It is the case of the petitioner that he is entitled for supply of a copy of the audit report and other material, which formed the basis for enquiry, and hence he may be supplied the same. In spite of his several representations to the respondent for supply of a copy of the audit report, the respondent did not supply the same. Therefore, this writ petition.

A detailed counter-affidavit is filed on behalf of the respondent. It is stated that a special audit has been conducted on the accounts of the college with two senior departmental auditors under the supervision of Chief Auditor (Gazetted). During the special audit for the years from 1982-83 to 1992-93, it was noticed that the management of the college had misappropriated an amount of Rs.52,06,045/- under various heads. Hence, a detailed enquiry has been conducted by the Regional Joint Director of Higher Education, Warangal, who was appointed as Enquiry Officer. He has submitted his report stating that a Special Officer should be appointed to the said college to look after its academic, administrative and financial aspects, duly dissolving the management. As such, a Special Officer has been appointed to the said college. Subsequently, the management of the college has requested the Commissioner & Director of Intermediate Education to supply copies of the audit report and enquiry report. In response to that request, the management was requested to come over to the office and verify the records, which were seized by the departmental auditors and kept in the office of the Commissioner & Director, Intermediate Education. But, the petitioner has not approached the respondent's office for obtaining the required information. Therefore, the petitioner has no right to blame the respondent.

There is no necessity of going into all the details.

While admitting the writ petition, this Court, by an order, dated 14.07.1997, in W.P.M.P.No.16355 of 1997, granted stay of all further proceedings in pursuance of the notice dated 30.04.1997.

In view of the same, the respondent is directed to supply copies of all the documents including the audit report, dated 29.07.1993, and other documents required by the petitioner, if not already supplied, within a period of one month from the date of receipt of a copy of this order and then proceed with the enquiry as per law.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

C.V. RAMULU, J

10th April, 2007.
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